

# Notice of Allowability

Application No.

09/928,159

Examiner

Roy M. Punnoose

Applicant(s)

BASTUE ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 10 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-34 are allowed.

Claim 1 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of aligning a diffractive wavelength division multiplexing (WDM) device that includes i) a multi-channel light handling device having a selected channel spacing and ii) a multi-channel signal input unit, the method comprising adjusting a direction of incidence of an optical signal from the input unit so as to set an actual optical channel spacing at an output region to be approximately equal to the selected channel spacing, in combination with the rest of the limitations of said claim.

2. Claims 2-11 are allowable because they are dependent on independent claim 1.

3. Claim 12 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a diffractive WDM device comprising, inputting means for inputting light to the diffractive WDM device, and adjusting means for adjusting a direction of incidence of an optical signal from the inputting means so as to set an actual optical channel spacing at an output region of the diffractive WDM device to be approximately equal to the selected channel spacing, in combination with the rest of the limitations of said claim.

4. Claims 13-15 are allowable because they are dependent on independent claim 12.

5. Claim 16 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a diffractive WDM device comprising, a light input unit for inputting a multi-channel optical signal wherein an orientation of the light input unit is adjustable in a direction parallel to a diffraction plane of the diffractive WDM device so as to select an

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actual channel spacing at the multi-channel, light handling device that is approximately equal to the selected channel spacing, in combination with the rest of the limitations of said claim.

6. Claims 17-34 are allowable because they are dependent on independent claim 16 or an intermediate claim.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion.***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the applicant can reach his **Supervisory Patent Examiner, Frank G. Font**, at 571-272-2415.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a **general nature** or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1585.

**Roy M. Punnoose**  
Patent Examiner  
Art Unit 2877  
February 21, 2004



  
**Mr. Frank G. Font**  
Supervisory Patent Examiner